

FORTY-SECOND DAY

(Thursday, April 2, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present.

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood

Absent—Excused

Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, the children of Issachar had understanding of their times, and knew what Israel ought to do. Give to these Thy servants analytical and discriminating minds as they fashion the future of our great state, and may they have understanding of these times. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Weinert was granted leave of absence for today on account of illness in his family on motion of Senator Lane.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House

to inform the Senate that the House has passed the following:

H. B. No. 168, A bill to be entitled "An Act creating an additional district court in Ector County, Texas, to be known as the 161st Judicial District; providing the terms and jurisdiction of said court; providing for the appointment and election of the district judge for said court; prescribing the powers, duties, term of office and compensation of the judge of said court; providing for the appointment of an official court reporter for said court; prescribing the qualifications, duties and compensation of the official court reporter of said court; providing for the appointment, designation and compensation of the other officers of said court; providing all process, writs, recognizances and bonds heretofore issued, made, executed or returnable to existing terms of the districts courts in Ector County, Texas, are valid and returnable to the first term of the district court provided herein, as assigned to the respective courts after this Act takes effect; making other provisions relative to the business and functioning of the district courts of Ector County, Texas; providing a severability clause; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Krueger submitted the following reports:

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 388, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 260, have had the same under

consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Senator Hardeman submitted the following reports:

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 372, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 373, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 371, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 284, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 402, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 347, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 310, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 394, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 243, have had the same under

consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 403, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 344, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 591, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 152, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 321, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that Committee Substitute adopted in lieu thereof do pass and be printed.

HARDEMAN, Chairman.

C. S. S. B. No. 321 was read the first time.

Senator Lane submitted the following reports:

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 349, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 390, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 31, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 104, have had the same under

consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 105, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 112, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 199, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 202, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 201, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

LANE, Chairman.

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 367, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 367 was read the first time.

Senator Moffett submitted the following report:

Austin, Texas,
April 2, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Agriculture and Livestock, to whom was referred S. B. No. 378, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senate Resolution 278

Senator Hardeman offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 232 pupils of the American History Class of New Braunfels High School, New Braunfels, Comal County, Texas, accompanied by their teachers, Mr. Francis Mayer, Mr. C. K. Stark and Mrs. Jackie Swisher; and

Whereas, These students are on an educational tour of the Capitol Building and Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

WEINERT
HARDEMAN

The resolution was read and was adopted.

Senator Hardeman by unanimous consent presented the students, teachers to the Members of the Senate.

Bills and Resolution Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolution:

H. B. 185, A bill to be entitled "An Act changing the name of Kerrville State Home to Kerrville State Hospital and defining its purpose and use; fixing an effective date for the change; stating the applicability of general laws to the institution, and of appropriations for and contracts in behalf of the institution under its former name; and declaring an emergency."

H. B. No. 280, A bill to be entitled "An Act providing that The San Antonio Loan & Trust Company, a corporation, shall be permitted to amend its charter for the purpose of adopting the provisions of the Texas Business Corporation Act without the purpose to conduct a fiduciary or depository business, to change its name to some other suitable name, and to transfer and assign the fiduciary and depository business authorized under its present charter and amendments thereto to a state bank to be formed under the provisions of the Texas Banking Act of 1943, to be named San Antonio Loan and Trust Company, and ratifying and confirming the fiduciary powers under its present charter in the fiduciary capacities to be transferred to the state bank to be created, without the necessity of any judicial action in the courts of Texas, or any action by the creators or beneficiaries of such fiduciary trusts or estates; etc.; and declaring an emergency."

H. B. No. 347, A bill to be entitled "An Act to regulate the taking of fish

from the waters of Morris County; prescribing penalties; repealing all laws in conflict; and declaring an emergency."

H. B. No. 348, A bill to be entitled "An Act making it unlawful to kill or attempt to kill deer or molest same in Morris County for a period of three (3) years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

H. B. No. 349, A bill to be entitled "An Act providing an open season when it shall be lawful to hunt, take or kill squirrels in Morris County; providing penalties; repealing laws in conflict; and declaring an emergency."

H. B. No. 389, A bill to be entitled "An Act to amend the Harris County Road Laws, Acts, 1913, Thirty-third Legislature, Special Laws, Page 64, Chapter 17, as amended, by amending Section 31-C, Acts, 1953, Fifty-third Legislature, Special Laws, Chapter 385, Page 924, H. B. No. 856, providing for a minimum County road width, provide for regulating the acceptance, recording and maintenance of roads, providing that no plat or subdivision shall be filed unless the roads set out therein are of such width and constructed to certain specifications, etc., and declaring an emergency."

H. B. No. 485, An Act to amend the Harris County Road Law, Chapter 17 of the Special Laws of the Regular Session, Thirty-third Legislature, 1913, as amended by Senate Bill No. 245, Special Laws, Fortieth Legislature, 1927, and as amended by House Bill 579, Acts of the Fiftieth Legislature, 1947, by amending Sections 9 and 10 thereof, to provide for the taking of bids and proposals; etc.; and declaring an emergency.

H. B. No. 501, A bill to be entitled "An Act making it unlawful to hunt deer with dogs in Morris County; providing penalties; and declaring an emergency."

H. C. R. No. 13, Granting permission to George A. DeFrese to sue the State of Texas and the West Texas State College at Canyon, Texas.

Senate Resolution 280

Senator Owen offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Colonel and Mrs. Bertram C. Wright and sons Jonathan and Geoffrey of El Paso, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Owen by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 281

Senator Reagan offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Cap Fugate; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

REAGAN
FLY

The resolution was read and was adopted.

Senator Reagan by unanimous consent presented the guests to the Members of the Senate.

Committee to Escort the Honorable Ralph Yarborough to Joint Session

The President announced the appointment pursuant to the provisions of S. C. R. No. 36 of the following as a committee to escort the Honorable Ralph Yarborough to the Joint Session:

Senators Willis, Kazen, Herring, Secrest and Baker.

Joint Session

(To hear an address by the Honorable Ralph Yarborough, Junior Senator from Texas.)

The President at 10:55 o'clock a.m. announced that pursuant to the provisions of S. C. R. No. 36 previously adopted by the Senate, that the time had arrived for the Joint Session to hear an address by the Honorable Ralph Yarborough.

The Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 10:55 o'clock a.m.

The Senators were announced and were admitted and escorted to the seats prepared for them along the aisle.

The President was invited to occupy a seat on the Speaker's Rostrum.

The President was invited to occupy a seat on the Speaker's Rostrum.

The Honorable Waggoner Carr, Speaker of the House called the Joint Session to order at 11:00 o'clock a.m.

The President of the Senate called the Senate to order and announced a quorum of the Senate present.

The Speaker of the House called the House to order and announced a quorum of the House present.

The Honorable Ralph Yarborough was announced by the Doorkeeper of the House.

Senator Yarborough was escorted to the Speaker's Rostrum by Senators Willis, Kazen, Herring, Secrest and Baker on the part of the Senate and Representatives Green, Hughes of Grayson, Hollowell, Harrington, Koriath, Kennard, Clements and Eckhardt on the part of the House.

The Speaker announced the purpose of the Joint Session and presented Senator Doyle Willis to the Joint Session.

Senator Willis then presented Senator Yarborough and he addressed the Joint Session.

The President announced the purpose of the Joint Session concluded and requested the Senate to retire to its Chamber.

In Legislative Session

The President called the Senate to order as in Legislative Session at 11:35 o'clock a.m.

Bills Signed

The President signed in the pres-

ence of the Senate after the captions had been read the following enrolled bills:

H. B. No. 207, A bill to be entitled "An Act authorizing certain types of property described therein as 'urban property' and subject to taxation by certain types of water improvement districts as described therein now existing or hereinafter created, to be excluded from such district by proceedings and conditions as described in the Act; and declaring an emergency."

H. B. No. 264, A bill to be entitled "An Act relating to the donation and bequest of human bodies and organs, members and parts thereof, for purpose of advancing medical science or for the replacement or rehabilitation of diseased or worn-out organs, members, and parts of the bodies of living humans; providing how and to whom persons may donate and bequeath human bodies or organs, members, or parts thereof; authorizing the revocation of such bequest and donations and the manner thereof; providing for the removal of the bodies or organs, members, or parts thereof bequeathed or donated; and declaring an emergency."

H. B. No. 340, A bill to be entitled "An Act amending Section 84 of Chapter 27, Acts of the 42nd Legislature, Third Called Session, 1932, (Section 84 of Article 8263e, Vernon's Revised Civil Statutes of Texas), so as to authorize Navigation Districts coming within the scope of said Act to employ an independent certified public accountant or firm of independent certified public accountants for the purpose of making a complete audit of the books and records of such District; and declaring an emergency."

H. B. No. 430, A bill to be entitled "An Act authorizing the Commissioners Courts of Denton and Cooke Counties to pay the District Judge of the 16th Judicial District compensation in addition to the compensation paid by

the State; making other provisions relative thereto; providing a severability clause; and declaring an emergency."

H. B. No. 502, A bill to be entitled "An Act making it lawful to take or kill coypa, or nutria, at any time in Morris County; and declaring an emergency."

Recess

Senator Dies moved that the Senate stand adjourned until 10:30 o'clock a.m. on Monday, April 6, 1959.

Senator Moffett moved that the Senate stand recessed until 10:30 o'clock a.m. tomorrow.

Question first on the motion to adjourn, the motion was lost by the following vote:

Yeas—13

Baker	Hudson
Bradshaw	Lane
Crump	Moore
Dies	Ratliff
Fuller	Roberts
Gonzalez	Secrest
Hardeman	

Nays—16

Aikin	Owen
Colson	Parkhouse
Hazlewood	Phillips
Herring	Reagan
Kazen	Rogers
Krueger	Smith
Martin	Willis
Moffett	Wood

Absent

Fly

Absent—Excused

Weinert

Question next on the motion to recess, the motion prevailed.

Accordingly, the Senate at 11:43 o'clock a.m. took recess until 10:30 o'clock a.m. tomorrow.

In Memory of
W. G. McMillan

Senator Smith offered the following resolution:

(Senate Resolution 279)

Whereas, In the passing of W. G. McMillan, widely known contractor, civic worker and sportsman of Lubbock, Texas, from this earthly life on the 27th day of October, 1958, the people of the State of Texas, and in particular, the people of Lubbock have suffered an irreparable loss; and

Whereas, Mr. McMillan was born in Calvert, Robertson County, on November 9, 1897, and educated in Calvert schools and later graduated from Texas A. & M. College, where he was a quarterback on the Aggies football team in the early 1920s; and

Whereas, He had numerous interests and hobbies, being a student of ornithology, Indian lore, natural history, outdoor life, hunting, photography and architecture, in addition to being engaged in many civic activities; and during his prime years, he was considered one of the best rifle shots in the nation, having one of the finest collections of hunting trophies in the Southwest. He journeyed extensively on hunting expeditions in North America from 800 miles below the Mexican border to the Arctic Circle in Alaska, and made two safaris overseas, one to Africa in 1947 and another to India in 1954; and

Whereas, W. G. McMillan was a devoted husband and father, a friend to all who knew him, having worked all his life for the betterment of his community, county and State, namely, serving two terms as a Lubbock city commissioner, president of the Lubbock Kiwanis Club, the Panhandle South Plains Fair, and the South Plains Area Council of Boy Scouts, lieutenant governor of Division 6 of the Texas-Oklahoma District of Kiwanis International. He also served as scoutmaster of a Lubbock Boy Scout troop for nine years and was teacher of a Sunday School class for boys at the First Methodist Church over a long period; and

Whereas, Mr. McMillan moved to Lubbock in 1925, making his home there with his wife, and during the next thirty-three years he was engaged in constructing many buildings in Lubbock and over the South Plains; and

Whereas, He is survived by his faithful wife; his son, W. G. McMillan, Jr.; a sister, Mrs. Jack Pate, Octate, New Mexico; a brother, Frank McMillan, of Calvert; and two granddaughters; now, therefore, be it

Resolved, That it is the desire of the Senate of Texas to pay tribute to this worthy citizen, Mr. W. G. McMillan; and, be it further

Resolved, That when the Senate adjourns today it do so in his honor and memory and that a page in the permanent Senate Journal be devoted to the recording of this resolution; and, be it further

Resolved, That an enrolled copy of this resolution be sent to each surviving member of his family as a token of respect and sympathy.

The resolution was read was and adopted by a rising vote of the Senate.

In Memory of
Mr. Boude Storey, Sr.

Senator Parkhouse offered the following resolution:

(Senate Concurrent Resolution 45)

Whereas, On the 11th day of March, 1959, the State of Texas lost one of its esteemed citizens, Mr. Boude Storey, Sr., President Emeritus of the Board of the Dallas Public Library, who passed to his great reward in Dallas, Texas; and

Whereas, He was born on March 7, 1881, in Mexia, Texas and moved to Dallas with his parents in 1889; and

Whereas, Mr. Storey was President and a member of the Board of the Dallas Public Library for 25 years. It was under his leadership that the present library at Commerce and Harwood became a reality. He was a member of the Dallas Board of Education and in 1926 he became President, which office he held until 1932. Mr. Storey was active in many civic organizations in Dallas County, Texas; and

Whereas, Mr. Storey was active in the Presbyterian Church and was an elder for many years. His life reflected the true qualities of a sincere Christian gentleman who endeavored to achieve the best for his friends and fellowmen; and

Whereas, It is the desire of the Senate of the 56th Legislature of the State of Texas, the House of Representatives concurring, that our heartfelt sympathy be extended to the surviving wife; two sons, Boude Storey, Jr., and John W. Storey; and a daughter, Mrs. W. E. Record, all of Dallas, Texas; that a page in the Senate Journal be set aside in his memory; and that when the Legislature adjourns today, it do so in his honor.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.